

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

435C0737

HOUSE BILL NO. 1303

Introduced by: Representatives Garnos, Brown (Richard), Crisp, Derby, Jaspers, Kazmerzak, Munson (Donald), Solum, and Wetz and Senators Rounds, Dennert, Everist, and Hutmacher

1 FOR AN ACT ENTITLED, An Act to limit the liability of local government agencies and their
2 employees for year 2000 litigation.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 3-21 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No unit of local government or any political subdivision of the state and no employee of any
7 unit of local government or political subdivision of the state is liable for losses from any failure
8 or malfunction occurring on or before December 31, 2002, which is caused directly or indirectly
9 by the failure of computer software or any device containing a computer processor to accurately
10 or properly recognize, calculate, display, sort, or otherwise process dates or times, if the failure
11 or malfunction causing the loss was unforeseeable; or, if foreseeable, the plan, design, or both,
12 for identifying and preventing the failure or malfunction was prepared in substantial compliance
13 with generally accepted computer and information system design standards in effect at the time
14 of the preparation of the plan or design; and if the employee exercised due diligence in the
15 operation of such computer software or device.